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EXAMINER
PHAM, HUNG Q

ART UNIT	PAPER NUMBER
2162	

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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/829,239	KUMAGAI ET AL.
	Examiner	Art Unit
	HUNG Q. PHAM	2162

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 May 2005</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1,3-6,8-15,19-28,30,32,33,43-46 and 48-52</u> is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>30,32 and 33</u> is/are allowed.

6)☒ Claim(s) <u>1,3,5,6,8-15,18,20-28,43-46 and 49-52</u> is/are rejected.

7)☒ Claim(s) <u>4,19 and 48</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

     1.☐ Certified copies of the priority documents have been received.

     2.☐ Certified copies of the priority documents have been received in Application No. _____.

     3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date ___.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

- Applicant's amendment of claim 1, filed 01/28/2005, with respect to the rejection under 35 U.S.C. § 112, second paragraph, has been fully considered. The previous rejection of claim 1 under 35 U.S.C. § 112 has been withdrawn.

- Applicant's arguments with respect to the rejection under 35 U.S.C. § 103 with respect to claims 1, 3, 8-10, 12, 14, 15, 18, 22-25, 27, 43-46 and 49 have been fully considered but they are not persuasive.

(1)   In response to applicant's argument that the references fail to show certain features of applicant's invention from pages 21, line 22-page 23, line 24, it is noted that the features upon which applicant relies (i.e., *a single set of management information that includes content information... is presented to the user..., the table of content (TOC) is structured such that...*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(2)   As argued by applicants at pages 20-21 and 23-24:

> *It is respectfully submitted, however, that neither Crawford nor Schneider, alone or in combination, suggest or disclose selection means for selecting at least one piece of content information by using a single set of management information, as recited in amended independent claim 1.*

Examiner respectfully disagrees.

As taught by Crawford, Col. 19, Lines 55-58 and Col. 20, Line 66-Col. 21, Line 13, DOS command is used for accessing. As disclosed by Robbins, Mastering DOS The Complete Tutorial and Up-to-Date User's Guide, page 107-123, DOS command using *FileName* as *selection means for selecting at least* a file as *one piece of content information by using* file name as *a single set of management of information*.

(3)   As argued by applicants at page 24 with respect to claims 14, 15 and 43, examiner respectfully disagrees with the reason as set forth in the previous action. The added features in claims 15 and 43 will be detailed in the rejection below.

(4)   As argued by applicants with respect to all the dependent claims at pages 25-28, examiner respect fully disagrees with the reason as discussed above.

(5)   Applicants' arguments with respect to claims 36, 37, 39 and 40 at pages 28-31 are moot in view of the cancellation of these claims.

In view of the above, the examiner contends that all limitations as recited in the claims have been addressed in this Action.

Claim Objections

Claim 14 is objected to because of the following informalities: *a single set of*

management information in the step of *accessing selected contents information*. Appropriate

correction is required (this single set of management information refers to single set of

management information in the step of selecting at least one piece of content

information).

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 14 and 43 are rejected under 35 U.S.C. 112, first paragraph, as

failing to comply with the written description requirement. The claim(s) contains

subject matter which was not described in the specification in such a way as to

reasonably convey to one skilled in the relevant art that the inventor(s), at the

time the application was filed, had possession of the claimed invention.

The claimed *selection means for selecting at least one piece of content information by using*

a single set of management of information as in claim 1, *selecting at least one piece of content*

information by using a single set of management of information as in claim 14, *at least one piece of*

content information is selected using a single set of management information as in claim 43 were

not described by the specification.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation *said physical address* in *said control means accesses said contents information*. There is insufficient antecedent basis for these limitations in the claim.

Claim 14 recites the limitation *said control means, said storage means, said management information* and *said physical address* in *said control means accesses said contents information stored at a predetermined physical address of said storage means based on said management information described with a logical address corresponding to said physical address*. There is insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

Claims 1, 3, 8-10, 12, 14, 15, 18, 22-25, 27, 43-46 and 49 are rejected under

35 U.S.C. 103(a) as being unpatentable over Crawford [USP 5,771,354] in view of

Robbins [Mastering DOS] and Schneider [USP 6,594,675].

Regarding claim 1, Crawford teaches an online service system comprising:

first storage means for storing a plurality of pieces of content information (as shown in FIG.

5, the local disk drive of customer computer 50b is the *first storage means for storing a*

plurality of pieces of content information);

second storage means for storing a plurality of pieces of content information (the local disk drive of replica server computer 160 is the *second storage means for storing a plurality of pieces of content information*);

selection means for selecting at least one piece of content information by using a single set of management of information (Crawford, Col. 19, Lines 55-58 and Col. 20, Line 66-Col. 21, Line 13, DOS command is used for accessing. As disclosed by Robbins, Mastering DOS The Complete Tutorial and Up-to-Date User's Guide, page 107-123, DOS command using *FileName* as *selection means for selecting at least* a file as *one piece of content information by using* file name as *a single set of management of information*);

by using DOS command, processor flag, drive translation tables as *control means*, a user can *access content information stored in* customer computer as *first storage means* and replica server computer as *second storage means*, using file copy, or file transfer (Crawford, Col. 20, Line 66-Col. 23, Line 67 and Col. 29, Lines 10-13) based on the file name as *single set of management information for managing* file as *said selected content information stored in first storage means and second storage means*;

a communication means for interconnecting said first storage means, said second storage means, and said control means for communication (Crawford, Col. 17, Lines 29-46), and

accounting setting means for setting an amount of a fee to be imposed on a predetermined user in accordance with a capacity of use of said second storage means by said predetermined user (Crawford, Col. 57, Line 59-Col. 58, Line 23).

Crawford does not explicitly teach the claimed *said control means accesses said content information stored at a predetermined physical address of each of said first storage means and said*

second storage means based on said single set of management information described with a logical address corresponding to physical address.

Schneider teaches a file system, and further discloses that a hierarchical arrangement of directories with respect to a root directory defines the logical address of files in the system (Schneider, Col. 3, Lines 32-43). In response to a file request, the physical file system then proceeds to access the requested data directly from the storage device using the address information of physical data on the storage device to directly address the data on the storage device (Schneider, Col. 3, Line 64-Col. 4, Line 6). As seen, in response to a file request, wherein a file is *content information stored at a predetermined physical address of each of said first storage means and said second storage means*, the requested pathname and file name defines the *logical address*, the requested data stored in the storage device is accessed by using the *corresponding* address information of physical data or *physical address*. In light of Schneider technique, the pathname and file name that specifies a file in a DOS access command, e.g., COPY, will define the logical address, and obviously, *the content information stored at a predetermined physical address of* (A), (B), and (C) drives of customer computer or replica server computer as *each of said first storage means and said second storage means* is *accessed based on* the requested pathname and file name as *a single set of management information described with logical address corresponding to said physical address.*

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use the logical address and physical address for accessing a file in a file system.

Regarding claim 14, Crawford teaches a communication method comprising:

selecting at least one piece of content information by using a single set of management of

information (Crawford, Col. 19, Lines 55-58 and Col. 20, Line 66-Col. 21, Line 13, DOS

command is used for accessing. As disclosed by Robbins, Mastering DOS The

Complete Tutorial and Up-to-Date User's Guide, page 107-123, DOS command using

FileName for *selecting at least* a file as *one piece of content information by using* file name as *a*

single set of management of information);

by using DOS command as discussed, and drive translation tables, a user can

access selected content information stored in customer computer as *first storage means* and

replica server computer as *second storage means*, using file copy, or file transfer (Crawford,

Col. 20, Line 66-Col. 23, Line 67 and Col. 29, Lines 10-13) based on the file name as

single set of management information for managing file as *said selected content information stored in*

first storage means and second storage means;

setting an amount of a fee to be imposed on a predetermined user in accordance with a

capacity of use of said second storage means by said predetermined user (Crawford, Col. 57, Line

59-Col. 58, Line 23).

Crawford does not explicitly teach the step of *accessing said content information*

stored at a predetermined physical address of said storage means based on said management

information described with a logical address corresponding to said physical address.

Schneider teaches a file system, and further discloses that a hierarchical

arrangement of directories with respect to a root directory defines the logical address of

files in the system (Schneider, Col. 3, Lines 32-43). In response to a file request, the

physical file system then proceeds to access the requested data directly from the
storage device using the address information of physical data on the storage device to
directly address the data on the storage device (Schneider, Col. 3, Line 64-Col. 4, Line
6). As seen, in response to a file request, wherein a file is *content information stored at a
predetermined physical address of each of said first storage means and said second storage means*, the
requested pathname and file name defines the *logical address*, the requested data stored
in the storage device is accessed by using the *corresponding* address information of
physical data or *physical address*. In light of Schneider technique, the pathname and file
name that specifies a file in a DOS access command, e.g., COPY, will define the logical
address, and obviously, *the content information stored at a predetermined physical address of* (A),
(B), and (C) drives of customer computer or replica server computer as *said storage means*
is *accessed based on* the requested pathname and file name as *management information
described with logical address corresponding to said physical address*.

Therefore, it would have been obvious for one of ordinary skill in the art at the
time the invention was made to use the logical address and physical address for
accessing a file in a file system.

Regarding claim 15, Crawford teaches an online service system. As shown in
FIG. 5 is a customer computer 50 as *an external apparatus*, the host computer 104 as *a
distribution apparatus*. Host computer 104 may provide one or more virtual disk drives to
customer computer 50 (Crawford, Col. 18, Lines 1-3).

storage means for storing a plurality of pieces of content information (Crawford, Col. 18, Lines 35-61, host computer 104 may have several physical disk drives 116. Crawford, Col. 22, Lines 51-61, host computer physical disk drive 116a stores information associated with two different virtual disks, I:Drive, J:Drive and K:Drive);

a communication means for connecting said distribution apparatus for communication to customer computer 50b as *an external apparatus* (Crawford, Col. 17, Lines 29-46), and

accounting setting means for setting an amount of a fee to be imposed on a user who requests use of said storage means from said external apparatus in response to a capacity of use of said storage means by said user (Crawford, Col. 57, Line 59-Col. 58, Line 23).

control means for accessing said contents information stored in said storage means based on management information for managing said contents information stored in said storage means in response to a user request by a user from said external apparatus (Crawford, Col. 19, Lines 55-58 and Col. 20, Line 66-Col. 21, Line 13, DOS command is used for accessing. As disclosed by Robbins, Mastering DOS The Complete Tutorial and Up-to-Date User's Guide, pages 106-123, a plurality of DOS commands is used by a user for accessing a file as *content information stored in said storage means* based on the file name as *management information for managing* file);

wherein control means produces management information for each said user in response to access to said content information in accordance with said user request and stores said produces management information into said storage means, said management information including at least an ID of said user and an address representative of a storage location of said content information stored in said storage means (a new sign up customer is assigned a user ID and password (Crawford, FIG. 27, Col. 29, Lines 39-45).

The user ID is used to provide access to on-line service programs stored on virtual disks (Crawford, Col. 29, Lines 10-13). As shown in FIG. 8B, a user may request to purchase a particular program or data. If the request is for a purchase, logging is performed with certain information, e.g., user, begin time, etc., and then the host computer 104 allocates the appropriate virtual disk containing the program or information to be purchased. Host computer 104 also allocates a destination device for receiving the purchased program or information. Destination device may be the local hard disk 64 within customer computer 50. The selected software is then copied to the destination device in order to complete the purchase (Crawford, Col. 30, Lines 23-36). As seen, in response to a request to purchase a particular program or data, user ID is produced, and virtual or logical disk address, such as I:Drive, J:Drive or K:Drive is allocated, wherein I:Drive, J:Drive or K:Drive is an address representative of a storage location of said content information stored in physical disks 116, and obviously, each I:Drive, J:Drive or K:Drive is corresponding to a physical address of physical disk 116. In different words, the technique as discussed indicates the claimed *wherein control means produces management information for each said user in response to access to said content information in accordance with said user request and stores said produces management information into said storage means, said management information including at least an ID of said user and an address representative of a storage location of said content information stored in said storage means)*;

said control means controls such that one or more of said plurality of pieces of said content information selected by said user by using said external apparatus may be copied or moved from said

storage means to said external apparatus through said communication means (using DOS

command, a user can *copy* a file as *content information stored in* physical disk drive of host

104 to customer computer and using communication means for transferring file,

Crawford, Col. 20, Line 66-Col. 23, Line 67 and Col. 29, Lines 10-13, based on the file

name).

Crawford does not explicitly teach *control means accesses said contents information*

stored at a predetermined physical address of said storage means based on said management

information described with a logical address corresponding to said physical address.

Schneider teaches a file system, and further discloses that a hierarchical

arrangement of directories with respect to a root directory defines the logical address of

files in the system (Schneider, Col. 3, Lines 32-43). In response to a file request, the

physical file system then proceeds to access the requested data directly from the

storage device using the address information of physical data on the storage device to

directly address the data on the storage device (Schneider, Col. 3, Line 64-Col. 4, Line

6). As seen, in response to a file request, wherein a file is *content information stored at a*

predetermined physical address of said storage means, the requested pathname and file name

defines the *logical address*, the requested data stored in the storage device is accessed

by using the *corresponding* address information of physical data or *physical address*. In light

of Schneider technique, the pathname and file name that specifies a file in a DOS

access command, e.g., COPY, will define the logical address, and obviously, *the content*

information stored at a predetermined physical address of (A), (B), and (C) drives of customer

computer or replica server computer as *storage means* is *accessed based on* the requested

pathname and file name as *management information described with logical address*

corresponding to said physical address.

Therefore, it would have been obvious for one of ordinary skill in the art at the

time the invention was made to use the logical and physical address for accessing a file

in a file system.

Regarding claims 3 and 18, Crawford and Schneider teaches all the claimed

subject matters as discussed in claims 1 and 15, Crawford further discloses *selection*

means for selecting at least one of said plurality of pieces of content information stored in said second

storage means, wherein said control means controls so that one or more of said plurality of pieces of

content information selected by said selection means may be copied or moved from said second storage

means to said first storage means through said communication means (Crawford, Col. 22, Lines

34-50).

Regarding claims 8, 22 and 23, Crawford and Schneider teaches all the claim

subject matters as discussed in claims 1, 15 and 22, Crawford further discloses a *setting*

means for setting said capacity of use for said second storage means, wherein said accounting setting

means sets said amount of said fee to be imposed on said user in accordance with said capacity of use

of said user set by said setting means (Crawford, Col. 57, Line 59-Col. 58, Line 23).

Regarding claims 9 and 24, Crawford and Schneider teaches all the claim

subject matters as discussed in claims 8 and 23, Crawford further discloses *setting means*

adaptively sets said capacity of use used by said user based on said management information for

managing said second storage means, and said accounting setting means sets said amount of said fee

to be imposed on said user in accordance with said capacity of use of said user set by said setting

means (Crawford, Col. 57, Line 59-Col. 58, Line 23).

Regarding claims 10 and 25, Crawford and Schneider teaches all the claim

subject matters as discussed in claims 1 and 22, Crawford further discloses *accounting*

setting means stores said amount of said fee to be imposed on said user in accordance with said

capacity of use of said second storage means by said user in a database for each said user in said

second storage means (Crawford, Col. 59, Line 11-Col. 60, Line 9).

Regarding claims 12 and 27, Crawford and Schneider teaches all the claim

subject matters as discussed in claims 1 and 15, Crawford further discloses

authentication means for verifying access to said second storage means by said control means

(Crawford, Col. 28, Lines 37-51).

Regarding claim 43, Crawford teaches an online service system.

As shown in FIG. 5, customer computer as *a terminal apparatus*, replica server

computer is *a distribution terminal apparatus,* and host computer is *a server apparatus*

comprising:

a first storage medium provided in said server apparatus for storing a plurality of pieces of

content information,

second storage medium provided in said distribution terminal apparatus for storing said

plurality of pieces of content information,

third storage medium provided in said terminal apparatus for storing a plurality of pieces of

content information;

a controller for controlling access to any of said first, said second, and said third storage media

based on management information for managing said content information stored in at least two of said

first, said second, and said third storage media with a drive translation table as *single table of*

contents (Crawford, Col. 29, Lines 10-13, user ID as *management information for managing said*

content information is used for controlling access); wherein

at least one piece of content information is selected using a single set of management

information (Crawford, Col. 19, Lines 55-58 and Col. 20, Line 66-Col. 21, Line 13, DOS

command is used for accessing. As disclosed by Robbins, Mastering DOS The

Complete Tutorial and Up-to-Date User's Guide, page 107-123, DOS command using

FileName for selecting at least a file as *content information* by using file name as *a single set of*

management of information).

Crawford does not explicitly teach the claimed *said controller accesses said selected*

content information stored at a predetermined physical address of each of said first and said second

storage media based on said management information described with a logical address corresponding

to physical address.

Schneider teaches a file system, and further discloses that a hierarchical

arrangement of directories with respect to a root directory defines the logical address of

files in the system (Schneider, Col. 3, Lines 32-43). In response to a file request, the

physical file system then proceeds to access the requested data directly from the

storage device using the address information of physical data on the storage device to

directly address the data on the storage device (Schneider, Col. 3, Line 64-Col. 4, Line

6). As seen, in response to a file request, wherein a file is *selected content information stored at a predetermined physical address of each of said first and said second storage media*, the requested pathname and file name defines the *logical address*, the requested data stored in the storage device is accessed by using the *corresponding* address information of physical data or *physical address*. In light of Schneider technique, the pathname and file name that specifies a file in a DOS access command, e.g., COPY, will define the logical address, and obviously, *the content information stored at a predetermined physical address of* (A), (B), and (C) drives of customer computer or replica server computer as *each of said first and said second storage media* is *accessed based on* the requested pathname and file name as *management information described with logical address corresponding to said physical address*.

Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to use the logical address and physical address for accessing a file in a file system.

Regarding claim 44, Crawford and Schneider teaches all the claimed subject matters as discussed in claim, Crawford further discloses *management information includes first management information for managing said content information stored in said first storage medium and said second storage medium with a first table of contents, and second management information for managing said content information stored said second storage medium and said third storage medium with a second table of contents* (Crawford, Col. 22).

Regarding claim 45, Crawford and Schneider teaches all the claimed subject matters as discussed in claim 43, Crawford further discloses *management information*

includes shared management information for managing said content information stored in said first,

said second, and said third storage media with said table of contents (Crawford, FIG. 5).

Regarding claim 46, Crawford and Schneider teaches all the claim subject

matters as discussed in claim 44, Crawford further discloses *first management information*

is stored in said storage means of at least one of said server apparatus and said distribution terminal

apparatus, and said second management information is stored in said storage means of at least one of

said distribution terminal apparatus and said terminal apparatus (Crawford, FIG. 5).

Regarding claim 49, Crawford and Schneider teaches all the claim subject

matters as discussed in claim 43, Crawford further discloses *first storage medium is a hard*

disk and said third storage medium is a semiconductor memory (Crawford, FIG. 5).

Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Crawford [USP 5,771,354], Robbins [Mastering DOS], Schneider [USP

6,594,675], and further in view of Srinivasan [USP 6,460,076 B1] and Omura et al.

[USP 6,430,620 B1].

Regarding claims 5 and 20, Crawford and Schneider teaches all the claimed

subject matters as discussed in claims 3 and 18, but does not teach *an erasure means for*

erasing one or more of said plurality of pieces of content information stored in said first storage

means, wherein where a contents ID of said content information erased by said erasure means is

managed with said management information, where said information corresponding to said contents

ID is again transferred from said second storage means to first storage means by said control means said accounting setting means does not set said amount of said fee to be imposed on said user who has issued a request for said transfer. Srinivasan teaches a system for downloading and recording multimedia files over a data network, Srinivasan further discloses an *erasure means for erasing one or more of said plurality of pieces of content information stored in said first storage means* when the file has not been successfully transferred, and *accounting setting means does not set said amount of said fee to be imposed on said user who has issued a request for said transfer* (Srinivasan, FIG. 3). However, if the file has not been successfully transferred, the process will be ended after deleting file from the memory. Omura teaches a system for locating and retransferring lost data comprises *contents ID form second storage means to first storage means* (Omura, FIG. 6 (c)-6(d), Col. 6 and Cols. 9-10). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Crawford and Schneider system by including an erasure means as taught by Srinivasan and the technique of retransferring of lost data as taught by Omura in order to compensate for the loss in case of occurrence of any data loss.

Claims 6 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford [USP 5,771,354], Robbins [Mastering DOS], Schneider [USP 6,594,675], and further in view of Srinivasan [USP 6,460,076 B1], Omura et al. [USP 6,430,620 B1] and Kenner et al. [USP 6,154,744].

Regarding claims 6 and 21, Crawford and Schneider teaches all the claimed subject matters as discussed in claims 3 and 18, but fails to teach an *erasure means for*

erasing at least one of the plurality of pieces of contents information stored in said first storage means, wherein where a contents ID of the contents information erased by said erasure means is managed with the management information, when said contents information corresponding to the contents ID is again transferred from said second storage means to said first storage means again by said control means, said accounting setting means set a smaller amount of said fee to be imposed on said user who has issued a request for said transfer than a normal fee. Srinivasan teaches a system for downloading and recording multimedia files over a data network, Srinivasan further discloses an *erasure means for erasing one or more of said plurality of pieces of content information stored in said first storage means* when the file has not been successfully transferred. However, if the file has not been successfully transferred, the process will be ended after deleting file from the memory (Srinivasan, FIG. 3). Omura teaches a system for locating and retransferring lost data comprises *a contents ID of the contents information is managed with the management information, contents information corresponding to said contents ID is again transferred form second storage means to first storage means* (Omura, FIG. 6 (c)-6(d), Col. 6 and Cols. 9-10). Kenner teaches a system for storing and retrieving video data at distributed sites. Kenner further discloses the system allowing discounts or credits to be issued if downloads are found to be difficult or slow (Kenner, Col. 16, lines 16-27). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Crawford and Schneider system by including an erasure means as taught by Srinivasan and the technique of retransferring contents information corresponding to contents ID and imposing on a user a smaller amount than a normal fee as taught by Omura and Kenner in order to compensate for the loss in case of occurrence of any data loss.

Claims 11 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Crawford [USP 5,771,354], Robbins [Mastering DOS], Schneider [USP

6,594,675], and further in view of Srinivasan [USP 6,460,076 B1].

Regarding claims 11 and 26, Crawford and Schneider teaches all the claim

subject matters as discussed in claims 10 and 25, Crawford further discloses *control*

means controls such that said imposed amount of said fee stored for each said user in said database

(Crawford, Col. 59, Line 11-Col. 60, Line 9) but does not explicitly teach *user ID of said*

user are transmitted to an external settlement center. Srinivasan teaches a system for

downloading and recording multimedia files over a data network, Srinivasan further

discloses *user ID of said user are transmitted to an external settlement center* (FIG. 1, Credit

Authorization). Therefore, it would have been obvious for one of ordinary skill in the art

at the time the invention was made to verify a user in order to prevent credit card fraud.

Claims 13 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Crawford [USP 5,771,354], Robbins [Mastering DOS], Schneider [USP

6,594,675], and further in view of Wiser et al. [USP 6,385,596 B1].

Regarding claims 13 and 28, Crawford and Schneider teaches all the claimed

subject matters as discussed in claims 12 and 27, but fails to disclose *second storage*

means stores a plurality of said user IDs, and said authentication means compares said user ID with

which said second storage means is accessed and said plurality of said user IDs to authenticate said

user who has accessed said second storage means. Wiser teaches an online music distribution

system, and further discloses *second storage means stores a plurality of said user IDs, and said*

authentication means compares said user ID with which said second storage means is accessed and

said plurality of said user IDs to authenticate said user who has accessed said second storage means

(Wiser, Col. 11, lines 25-38 and Col. 14, lines 33-35). Therefore, it would have been

obvious for one of ordinary skill in the art at the time the invention was made to modify

the Crawford and Schneider system by including the technique of comparing user ID to

authenticate a user in order to protect the downloaded information to avoid

unauthorized copying.

Claims 50 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Crawford [USP 5,771,354], Robbins [Mastering DOS], Schneider [USP

6,594,675], and further in view of Wiser et al. [USP 6,385,596 B1].

Regarding claim 50, Crawford and Schneider teaches all the claim subject

matters as discussed in claim 50, but does not explicitly disclose *information is digital*

audio data. Wiser teaches a secure online music distribution system that provides

consumers with flexibility and ease of use in the selection, previewing, downloading,

and transporting of audio and other digital media over the Internet (Wiser, abstract).

Therefore, it would have been obvious for one of ordinary skill in the art at the time the

invention was made to include digital audio data in the technique of Crawford and

Schneider in order to transfer audio file.

Regarding claim 51, Crawford, Schneider and Wiser teaches all the claimed subject matters as discussed in claim 50, Wiser further discloses *digital audio data is compressed data* (Wiser, Col. 7, lines 4-16).

Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over Crawford [USP 5,771,354], Robbins [Mastering DOS], Schneider [USP 6,594,675], Wiser et al. [USP 6,385,596 B1], and further in view Inoue [USP 6,567,847 B1].

Regarding claim 52, Crawford, Schneider and Wiser teaches all the claimed subject matters as discussed in claim 51, but fails to disclose *digital audio data is compressed in an ATRAC format*. Inoue teaches a transmitting and receiving system wherein a data file could be uploaded into a server or download and vice versa and the data is compressed in an ATRAC format (Inoue, Col. 7, line 54-Col. 8, line 6). Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Crawford, Schneider and Wiser system by using ATRAC format when upload and download music in order to remotely access and download information for recording through a data network.

Allowable Subject Matter

Claims 30, 32 and 33 are allowed.

Regarding claim 30, 32 and 33, the closet available prior arts, USP 6,385,596 B1

issued to Wiser et al. in combined with USP 5,117,350 issued to Parrish et al. also

teaches a terminal apparatus for receiving content information apparatus, however, as

in claim 30, Wiser and Parrish fail to teach or suggest the claimed *control means for storing*

addresses corresponding to said content IDs received from said distribution apparatus into said storage

means, said control means stores a logical address corresponding to a predetermined physical address

of a storage medium provided in said distribution apparatus at which said content information received

in response to said user request by said communication means is stored into said storage means.

Therefore, the invention is allowable over the prior arts of record for being directed to a

combination of claimed elements including the providing steps as indicated above.

Claims 4, 19 and 48 are objected to as being dependent upon a rejected

base claim, but would be allowable if rewritten in independent form including all

of the limitations of the base claim and any intervening claims.

Regarding claims 4, 19 and 48, Crawford and Schneider teaches all the claimed

subject matters as discussed in claims 3, 15 and 43, but fails to disclose or suggest the

claimed *control means searches for a logical address of said management information corresponding*

to said one or more of said plurality of pieces of content information selected by said selection means,

converts said logical address into a physical address of said second storage means and accesses said

second storage means based on said physical address as in claim 4, 19, and *controller searches for*

a logical address of said management information corresponding to said one or more of said plurality

of pieces of content information selected by said selection section, converts said logical address into a

physical address of said first storage medium or said second storage medium and accesses said first

storage medium or said second storage medium based on said physical address as in claim 48.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.
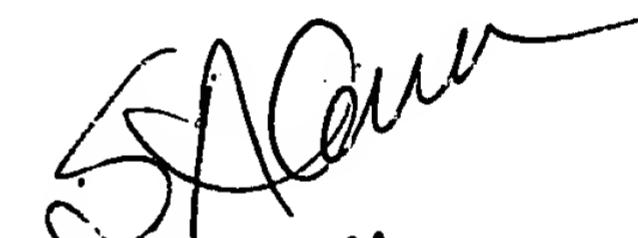
Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q. PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E. BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Business Center (EBC) at 866-217-9197 (toll-free).

HUNG Q PHAM
Examiner
Art Unit 2162

July 13, 2005

SHAHID ALAM
PRIMARY EXAMINER